

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL DOMINIC
WOODFORD and DARLENE
ANITA WOODFORD,
Plaintiffs,

v.

PENNY MARIE JULIA
WOODFORD,
Defendant.

Case No. 24-10166

F. Kay Behm
United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

ORDER DENYING MOTION FOR DEFAULT JUDGMENT (ECF No. 17)

Plaintiff Darryl and Darlene Woodford moved for default judgment because Defendant Penny Woodford has not filed an answer to the complaint. (ECF No. 17). The motion is **DENIED** for the reasons that follow.

As explained in the Court's Order directing the United States Marshals Service to personally serve the complaint, Defendant has not yet been served with the summons and complaint. (ECF No. 18). Without service of the summons and complaint, a defendant is not in default and default judgment is not appropriate. Proper service of process is required for this Court to obtain jurisdiction over the defendant. *O.J. Distrib., Inc. v. Hornell Brewing Co., Inc.*, 340 F.3d 345, 353 (6th Cir. 2003). Moreover, even if Defendant had been served, the motion for default

judgment would be denied because Plaintiffs have not requested and been granted a Clerk's entry of default, a process explained in Fed. R. Civ. P. 55.

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: June 11, 2024

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on June 11, 2024.

s/Sara Krause
Case Manager
(810) 341-7850